

July 18, 2004

Marlene H. Dortsch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th St SW
Washington DC 20554

RE: MM Docket No. 99-325

Dear Ms. Dortch:

We are writing to the Commission because we are concerned that HD Radio has the potential to significantly up the ante on the biggest problem currently facing artists, songwriters and everyone involved in the creation of music piracy.

It is our understanding that the existing rules for HD Radio do not require any form of signal protection for the digital audio that gets broadcast. This means that without further requirements imposed by the FCC, the manufacturers of HD Radio receivers will be free to develop interactive "record" functions that will enable ordinary users to automatically customize and record only the specific tracks and artists they want, and create interactive music "libraries" of those recordings (which could be anonymously redistributed over the Internet).

Without some form of signal protection, these "libraries" could easily be stored on PCs, transferred to portable devices and burned to blank CD-Rs. Recording whole broadcasts in the manner in which some consumers currently enjoy AM and FM analog signal programming is one thing -- We have no problem with that. However, the ability to "cherry pick" particular recordings - - and redistribute those recordings freely - - is quite another. In fact, redistribution would have a disastrous economic effect on the creative community, including recording artists, songwriters and musicians, as well as the nascent digital broadcast industry itself.

We do not want to delay the rollout of HD Radio in any way. We are writing this letter to advise the Commission that, based on the concerns we've listed above, a significant problem might exist for the creative community that merits further exploration by the Commission at this time.

Consequently, we respectfully urge the Commission to initiate a process to examine options for implementing reasonable protection measures for HD Radio that works not only for the creative community, but all interested parties including the broadcasters -- without delaying the rollout of this exciting new technology.

Sincerely,

Three handwritten signatures are present. The first signature on the left is for Henry, the middle one is for Ringo, and the one on the right is for JoJo Garza. The signatures are written in black ink and are somewhat stylized.

Henry, Ringo, JoJo Garza

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